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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,047	04/16/2004	Jeremy A. Fogg	GEN10 P-459	9459
28469 7590 07/31/2007 PRICE, HENEVELD, COOPER, DEWITT, & LITTON, LLP/GENTEX CORPORATION 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			EXAMINER WARD, JOHN A	
			ART UNIT 2885	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,047	<b>Applicant(s)</b> FOGG ET AL.	
	<b>Examiner</b> John A. Ward	<b>Art Unit</b> 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>062007</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

***Claims that were withdrawn from examining have been reconsidered and are examine on the merits as cited below.***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Desmond et al (US 5,802,245).

Regarding claims 1-7, Desmond et al discloses a rearview mirror 10 having a housing 11, a mounting bracket 17, a reflective element 100, a light source 63, 78, a deviator 40, 41 being that of a reflector element and the light source illuminates through the bottom of the housing 24 through the bottom opening 46, 47 of the housing,

Regarding claims 9-13, Desmond et al discloses a lens 80, 82 at the bottom opening of the housing, figure 1 shows that a light emitting diode 23 can be located in the bottom of the housing, the reflective element 100 is an electrochromic material (column 7, lines 20-24), a carrier plate (figure 10) a printed circuit board 32,

Regarding claim 16, figure 10 of Desmond shows how the beam axis is parallel to the first direction.

Claims 17-18, 20-24 and 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Desmond et al (US 5,802,245).

Regarding claims 17-18, Desmond et al discloses a rearview mirror 10 having a housing 11, a mounting bracket 17, a reflective element 100, a light source 63, 78, a deviator 40, 41 being that of a reflector element and the light source illuminates through the bottom of the housing 24 through the bottom opening 46, 47 of the housing,

Regarding claims 21-24 and 26-30, Desmond et al discloses a lens 80, 82 at the bottom opening of the housing, figure 1 shows that a light emitting diode 23 can be located in the bottom of the housing, the reflective element 100 is an electrochromic material (column 7, lines 20-24), a carrier plate (figure 10) a printed circuit board 32,

Regarding claim 20, figure 10 of Desmond shows how the beam axis is parallel to the first direction.

Claims 32-36, 38-42 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Desmond et al (US 5,802,245).

Desmond et al discloses a rearview mirror 10 having a housing 11, a mounting bracket 17, a reflective element 100, a light source 63, 78, a deviator 40, 41 being that of a reflector element and the light source illuminates through the bottom of the housing 24 through the bottom opening 46, 47 of the housing,

Desmond et al discloses a lens 80, 82 at the bottom opening of the housing, figure 1 shows that a light emitting diode 23 can be located in the bottom of the housing,

Art Unit: 2885

the reflective element 100 is an electrochromic material (column 7, lines 20-24), a carrier plate (figure 10) a printed circuit board 32,

Figure 10 of Desmond shows how the beam axis is parallel to the first direction.

Claims 46-55, 57-58 and 60-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Desmond et al (US 5,802,245).

Desmond et al discloses a rearview mirror 10 having a housing 11, a mounting bracket 17, a reflective element 100, a light source 63, 78, a deviator 40, 41 being that of a reflector element and the light source illuminates through the bottom of the housing 24 through the bottom opening 46, 47 of the housing,

Desmond et al discloses a lens 80, 82 at the bottom opening of the housing, figure 1 shows that a light emitting diode 23 can be located in the bottom of the housing, the reflective element 100 is an electrochromic material (column 7, lines 20-24); a carrier plate (figure 10) a printed circuit board 32,

Figure 10 of Desmond shows how the beam axis is parallel to the first direction.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2885

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desmond et al as applied to claims 1 and 5 above, and further in view of Anderson et al (US 6,502,907).

Regarding claims 8,14 and 15, Desmond et al discloses all the limitations of the claimed invention but does not disclose the light pipe, the reflectance value or the beam axis angle.

Regarding claim 8, Anderson et al discloses a vehicular puddle light having a housing 225, a front opening 100, light source 210 and light pipe 205.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the rearview mirror of Desmond et al with the puddle light of Anderson et al in order to provide a means of illuminating a direct area outside of the mirror as taught by Anderson et al (see summary).

Regarding claims 14 and 15 Desmond et al in view of Anderson et al does not disclose the material elements of the reflector or how the beam axis is angled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a beam axis within about 45° relative to the second

Art Unit: 2885

directive, a reflectance of 70%, or the structural make up of the reflector elements since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller* USPQ 233.

Claims 19, 25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desmond et al as applied to claims 17, 18 and 22 above, and further in view of Anderson et al (US 6,502,907).

Regarding claims 19, 25 and 31, Desmond et al discloses all the limitations of the claimed invention but does not disclose the light pipe, the reflectance value or the beam axis angle.

Regarding claim 25, Anderson et al discloses a vehicular puddle light having a housing 225, a front opening 100, light source 210 and light pipe 205.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the rearview mirror of Desmond et al with the puddle light of Anderson et al in order to provide a means of illuminating a direct area outside of the mirror as taught by Anderson et al (see summary).

Regarding claims 19 and 31 Desmond et al in view of Anderson et al does not disclose the material elements of the reflector or how the beam axis is angled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a beam axis within about 45° relative to the second directive, a reflectance of 70%, or the structural make up of the reflector elements since

Art Unit: 2885

it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller* USPQ 233.

Claims 37, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desmond et al as applied to claims 32 and 34 above, and further in view of Anderson et al (US 6,502,907).

Regarding claims 37, 43 and 44, Desmond et al discloses all the limitations of the claimed invention but does not disclose the light pipe, the reflectance value or the beam axis angle.

Regarding claim 37, Anderson et al discloses a vehicular puddle light having a housing 225, a front opening 100, light source 210 and light pipe 205.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the rearview mirror of Desmond et al with the puddle light of Anderson et al in order to provide a means of illuminating a direct area outside of the mirror as taught by Anderson et al (see summary).

Regarding claims 43 and 44 Desmond et al in view of Anderson et al does not disclose the material elements of the reflector or how the beam axis is angled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a beam axis within about 45° relative to the second directive, a reflectance of 70%, or the structural make up of the reflector elements since it has been held that where the general conditions of a claim are disclosed in the prior



Art Unit: 2885

art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller* USPQ 233.

Claims 56, 59 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desmond et al as applied to claim 46 and 58 above, and further in view of Anderson et al (US 6,502,907).

Regarding claims 58, 59 and 64 Desmond et al discloses all the limitations of the claimed invention but does not disclose the light pipe, the reflectance value or the beam axis angle.

Regarding claim 64, Anderson et al discloses a vehicular puddle light having a housing 225, a front opening 100, light source 210 and light pipe 205.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the rearview mirror of Desmond et al with the puddle light of Anderson et al in order to provide a means of illuminating a direct area outside of the mirror as taught by Anderson et al (see summary).

Regarding claims 58 and 59 Desmond et al in view of Anderson et al does not disclose the material elements of the reflector or how the beam axis is angled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a beam axis within about 45° relative to the second directive, a reflectance of 70%, or the structural make up of the reflector elements since it has been held that where the general conditions of a claim are disclosed in the prior

Art Unit: 2885

art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller* USPQ 233.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-64 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pastrick et al (US 5,823,654).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2885

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAW  
July 17, 2007



**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**